

**ORDINANCE 93-3**  
**Amendment 1**

**AN ORDINANCE TO AMEND AN ORDINANCE PROVIDING FOR THE  
REGULATION AND LICENSING OF FARM WINERY TASTING ROOMS**

ORDINANCE 93-3 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

“BE IT ORDAINED by the City Council of Dahlonega, and it is hereby ordained by the authority thereof:

**WHEREAS, THE CITY OF DAHLONEGA, GEORGIA,** desires to enact a resolution whereby the agricultural, manufacturing, and tourism industries of Georgia are promoted; and,

**WHEREAS,** the legislature of the State of Georgia has enacted certain legislation to encourage the manufacture and sale of wine within the state according to the Farm Wineries legislation of O.C.G.A. § 3-6-21.2; and

**WHEREAS,** the provision of O.C.G.A. § 3-5-40 requires a license from the governing authority of the County or municipality wherein such operations shall be located in order to operate a tasting room; and

**WHEREAS,** it is proper after due consideration, motion made, seconded and passed that a resolution be enacted under the following provision for the regulation and licensing of farm winery tasting rooms.

**RESOLVED,** that the Mayor and City Council of Dahlonega, Georgia will issue retail licenses for the tasting rooms and retail sales of Farm Wineries as defined in O.C.G.A. § 3-6-21.1 as follows:

**SECTION 1. DEFINITIONS.**

“Farm Winery” and “Tasting Room” shall be defined according to O.C.G.A. § 3-6-21.1 and as may be hereafter amended.

**SECTION 2. TYPE OF SALE.**

Wine sold under the provisions of Farm Wineries shall be sold for retail purposes only and shall be sold only in special, limited retail facilities operated under a license issued hereunder. Such Farm Winery may operate a tasting room in connection with such retail sales so long as upon the same immediate premises as the retail sales. Sale by the drink may be allowed in such tasting rooms to the extent consistent with the law, rules and regulations of the State of Georgia.

### SECTION 3. RETAIL LICENSEE QUALIFICATIONS.

The retail licensee must be a person of good moral character and a citizen of the United States.

(1) No license shall be granted to any person who shall have been convicted of a felony; nor any crime including misdemeanors involving moral turpitude, or any misdemeanor involving abuse of alcohol in any form. The applicant shall provide a clear G.C.I.C. report of the manager of the premises prior to the issuance of any license under the terms of this resolution

(2) Licenses may be issued to individual applicants, partnerships, or corporations. Upon making application for a license, an individual, partnership, or corporation shall be required to divulge the names of any and all persons who have or will have any interest, monetary or otherwise, in the business he will operate under said license. In addition, the application shall set forth the purpose, location for said business operation, including the plans for the building in which said business shall be operated and a plat of the property on which said building shall be situated.

(3) The licensee shall be the owner, lessee, or manager of the premises for which the license is held, and said licensee shall be active in, and solely responsible for the management and operation of the business for which the license is granted. If a corporation, the licensee will be the manager, and said licensee shall be active in, and responsible for the management and operation of the business, whether or not a shareholder of said corporation. The manager of said premises must be a bona fide resident of Lumpkin County for at least six months prior to making application for a license.

(4) No license shall be granted to any public official, State, County, or Municipal, nor shall any license be granted to any person to operate a business wherein a public official as defined above has any interest in a business being operated under a license issued hereunder subsequent to the issuance of same, said license shall be automatically revoked. However, unless otherwise prohibited by State law, family members and relatives of public officials will not be deemed to be public officials under the provisions of these regulations.

(5) Each applicant shall make a sworn statement of his qualifications pursuant to the foregoing provisions of Section 2 herein and place same on file with the Clerk of the City of Dahlonega, Georgia, before any license is issued.

Any misrepresentation or concealment of fact in said application or sworn statement shall be grounds for revocation of the license.

### SECTION 4. REGULATIONS.

No holder of a license under this resolution, nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:

- (1) Knowingly sell or serve wine to a minor;
- (2) Knowingly sell or serve wine to any person while such person is in an intoxicated condition.



- (3) Sell wine, upon the licensed premises at any time except between 7:00 o'clock a.m. and midnight, Monday through Saturday, and between 12:30 p.m. and 12:00 midnight on Sundays if permitted by State law.
- (4) Permit on the licensed premises any disorderly conduct, breach of peace, or any lewd, immoral, or improper entertainment, conduct or practices;
- (5) Operate the licensed business in any building which does not permit full view of the inside from outside the front, or which is not well lighted inside or which does not meet the minimum distance requirements as set forth in the ordinances and resolutions of the City of Dahlonega for malt beverage and wine consumption on the premises licenses; or operate in a temporary facility other than as approved by the City of Dahlonega and to be utilized solely in conjunction with an event sponsored by the Lumpkin County Farm Wineries Association, and which is also sanctioned by the Dahlonega-Lumpkin County Chamber of Commerce and approved via appropriate festival permit and temporary tasting room license by the City of Dahlonega for sales within temporary special entertainment districts so designated by the City of Dahlonega.
- (6) Maintain any type of amusement music machine or video game or utilize any device which amplifies music or voice beyond the confines of the tasting room facility;
- (7) Allow any purchase made on the licensed premises to be taken therefrom until put in a bag or otherwise securely wrapped in paper by the proprietor or clerk operating the licensed business.

#### SECTION 5. ENFORCEMENT.

- (1) Any violation of the provisions of Section 4 hereof shall be grounds for immediate revocation of a license by the issuing body.
- (2) A license shall be a mere grant of privilege to carry on business during the term of the license, subject to all terms and conditions imposed by this Resolution, or any future Resolution pertaining thereto, and subject to revocation at any time. In case of revocation, the licensee shall not be entitled to a return of the unearned license fee. All such licenses shall have printed on the front the following:

"This license is a mere privilege subject to be revoked and annulled by the Mayor and City Council of the City of Dahlonega, Georgia."

- (3) Any license granted hereunder may be revoked after hearing, for any cause deemed sufficient by said City Council. Notice of such hearing shall be given, either personally or by leaving same at the licensed place of business at least ten (10) days prior to the hearing. Such notice, given in the name of the Board or of the Mayor, may include notice that the license is suspended pending hearing; in which case the licensee shall immediately cease to operate his business until further order. All decisions approving, denying, suspending, or revoking such permits or licenses shall be in writing, with the reasons therefore or stated, and mailed or delivered to the

applicant personally upon timely application; any applicant aggrieved by the decision of the governing authority regarding a permit or license shall be afforded a hearing with an opportunity to present evidence and cross examine opposing witnesses.

#### SECTION 6. LICENSE FEE.

The applicant for a retail license for the sale of wine and operation of a tasting room shall pay to the Clerk of the City of Dahlonega the sum of \$150.00 as an annual license fee for the operation of One (1) year beginning on the 1<sup>st</sup> day of January, or alternatively \$100.00 as a license fee for a temporary tasting room license dependent upon the application submitted.

All licensed retailers shall store all wine in their possession on the premises for which the license is issued, and at another place or places except upon written permission from the issuing authority upon written application thereof.

#### SECTION 7. AUTHORITY TO ISSUE LICENSES.

License shall be issued only upon the approval of the City of Dahlonega, Georgia, applications for said licenses shall be presented to that body, and all fees provided for shall be paid to the Clerk of said body in the amount and at the time hereinbefore specified.

#### SECTION 8. REGULATIONS, FUTURE RESOLUTIONS AND REVOCATION OF LICENSES.

All the provisions of the Resolution are and shall be subject to the regulations hereinafter prescribed by this body and the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual fees, the qualifications of licensees; the proscription on advertising and restrictions on the business locations of licensees and building in which said business is operated; the control of customers doing business with licensees and any and all other matters which this body may deem advisable to set forth as to the proper control and regulation of the sale and consumption of malt beverages and wine; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such rules and regulations as may be then or thereafter in force; and all such licenses shall be non-transferable and shall convey to the licensee no property right, but only a privilege, which may be revoked by this body.

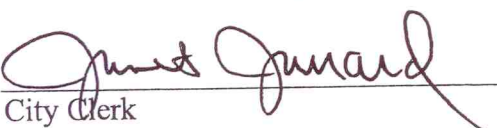
#### SECTION 9. LIMITED LICENSE.

The Farm Winery license created by this resolution is limited to Farm Winery Tasting Rooms licensed by the State of Georgia and allows the licensee to perform all acts as allowed by such legislation. No license is created by this resolution authorizing any other such uses."

It is so ordained this 12<sup>th</sup> day of April, 2005.

(Execution on Following Page)

  
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Mayor

Attest:   
\_\_\_\_\_  
City Clerk

Effective Date: April 12, 2005